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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,598	10/16/2003	Martti Johannes Sannikka	SAN3	5149

7590 05/27/2004  
Michael Molins  
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Sydney, 2000  
AUSTRALIA

EXAMINER

VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/685,598

### Applicant(s)

SANNIKKA, MARTTI JOHANNES

### Examiner

Andrea M. Valenti

### Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,359,960 to Yananton in view of U.S. Patent No. 5,788,064 to Sacherer.

Regarding Claim 1, Yananton teaches a container for urine collection with a disposable plastic body (Yananton #50 and Col. 10 line 59), the body having a rim with a sealing lip and having affixed to an exterior surface, containing a test strip (Yananton Col. 4 line 54 and Col. 5 line 59-66).

Yananton does not explicitly teach the test strips are in a sealed envelope. However, Sacherer teaches storing test strips in an envelope since urine test strips should not be exposed to moisture or contaminants before use. It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention to prevent moisture exposure to the test strips prior to use to ensure reliability of the analytical determination as taught by Sacherer (Sacherer Col. 2 line 8-10 and line 15-17).

Regarding Claim 2, Yananton as modified teaches the body has a raised portions (Yananton #52) formed on the bottom of the container, the raised portions adapted to mate with the cooperating features formed on the bottom of the cat liter box.

Regarding Claim 3, Yananton as modified teaches a lid which seals the container (Yananton Col. 11 line 50-55).

Regarding Claim 4, Yananton as modified teaches pre-packaged charge of cat litter in the container (Yananton Col. 11 line 3 and Col. 5 line 25-26).

Regarding Claim 6, Yananton as modified teaches the body has sides, which taper for nesting (Yananton Fig. 2).

Regarding Claim 7, Yananton as modified teaches the envelope is non-transparent (Sacherer Fig. 1 #2).

Regarding Claim 8, Yananton as modified teaches the test strip is a urine test strip (Yananton abstract line 2 and Sacherer Col. 2 line 9).

Regarding Claim 9, Yananton as modified teaches the raised portions are two in number (Yananton Fig. 5 #52).

Regarding Claim 10, Yananton as modified teaches the raised portions are parallel mounds with tapered sides (Yananton Fig. 5 #52).

Regarding Claim 11, Yananton as modified teaches the raised portions have flat tops (Yananton Fig. 5 #52).

Regarding Claims 5 and 12, Yananton as modified teaches that the cat owner can perform the testing at home on a routine basis, but does not explicitly teach a label affixed to an exterior surface, the lid having printed on it information pertaining to the

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interpretation of the test strip. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since it is old and notoriously well-known in the art of packaging to provide instructional information on the packaging for the consumers use, e.g. on food boxes instructions are provided for preparing and cooking the food, instructions are provided for assembling packaged devices, home pregnancy tests are provided with result interpretation on the packaging of the test kit.

Regarding Claim 13, Yananton as modified teaches the pre-packaged charge of cat litter in the container (Yananton Col. 11 line 3 and Col. 5 line 25-26).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 3,377,990; U.S. Patent Re. 30,424; U.S. Patent No. 5,353,743; U.S. Patent No. 4,250,256; U.S. Patent No. 2,904,474; U.S. Patent No. 4,326,481; U.S. Patent No. 4,779,567; U.S. Patent No. 5,797,346; U.S. Patent No. 5,007,375; U.S. Patent No. 5,119,830; and U.S. Patent No. 5,325,815.

United Kingdom Patent GB 2247818A; U.S. Patent No. 6,358,477; U.S. Patent No. 6,212,698; U.S. Patent No. 6,170,696; U.S. Patent No. 5,887,546; U.S. Patent No. 5,749,317; U.S. Patent No. 5,623,892; U.S. Patent no. 5,590,623; U.S. Patent No. 5,129,892; U.S. Patent No. 5,605,161; U.S. Patent No. 5,403,551

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-

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3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Examiner  
Art Unit 3643

11 May 2004



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600